

**THE TOWN OF HILTON HEAD ISLAND**

**Planning Commission**

**Minutes of the Wednesday, March 16, 2011 Meeting      APROVED**  
**3:00p.m. – Benjamin M. Racusin Council Chambers**

Commissioners Present: Acting Chairman Loretta Warden, Tom Crews, Jack Docherty,  
Terence Ennis, Terry Leary, Tom Lennox, Gail Quick, and Charles Young

Commissioners Absent: Chairman Al Vadnais

Town Council Present: Bill Ferguson

Town Staff Present: Nicole Dixon, Senior Planner  
Darrin Shoemaker, Traffic and Transportation Engineer  
Jayme Lopko, Senior Planner & Planning Commission Coordinator  
Teri Lewis, LMO Official  
Charles Cousins, Community Development Department Manager  
Jill Foster, Community Development Department Deputy Manager  
Kathleen Carlin, Secretary & Administrative Assistant

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**1. CALL TO ORDER**

Chairman Warden called the meeting to order at 3:00p.m.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. ROLL CALL**

**4. FREEDOM OF INFORMATION ACT**

Public notification of this meeting has been published, posted and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

**5. APPROVAL OF THE AGENDA**

The agenda was **approved** as presented by general consent.

**6. APPROVAL OF THE MINUTES**

The minutes of the February 16, 2011 meeting were **approved** as presented by general consent.

**7. APPEARANCE BY CITIZENS ON ITEMS UNRELATED TO TODAY'S AGENDA**

Chester C. Williams, Esq., stated, for the record, that he did not request that the Planning Commission schedule a special meeting on March 29, 2011 to hear Application for Appeal APL 100006. Chairman Warden thanked Mr. Williams for the information.

## 8. UNFINISHED BUSINESS

### Public Hearing

**ZMA100007:** The Town of Hilton Head Island has received a request from Ernest Marchetti, on behalf of Karen Watson, proposing to amend the Official Zoning Map by changing the zoning designation of two properties located at # 2 and # 4 Marina Side Drive from the OL (Office Institutional Low Density) Zoning district to the CC (Commercial Center) Zoning District. The properties are further identified on Beaufort County Tax Map 11, Parcels 161 and 166.

Chairman Warden opened the public hearing for this application and requested that the staff make their presentation.

Ms. Nicole Dixon made the presentation on behalf of staff. The staff recommended that the Planning Commission find this application to be inconsistent with the Town's Comprehensive Plan and does not serve to carry out the purposes of the LMO, based on those Findings of Facts and Conclusions of Law as determined by the LMO Official.

The applicant, Mr. Ernest Marchetti, on behalf of Ms. Karen Watson, is proposing to amend the Official Zoning Map by changing the zoning designation of two properties located at # 2 and # 4 Marina Side Drive from the OL (Office Institutional Low Density) Zoning District to the CC (Commercial Center) Zoning District. There is a Verizon Wireless business on one of the lots proposed to be rezoned. The other lot proposed to be rezoned is currently undeveloped.

The applicant states in the narrative that the proposed application to rezone the subject properties from OL to the CC zoning district is more in character with the existing commercial uses in the surrounding area. The applicant feels that the requested CC zoning is in conformance with the objectives of the Comprehensive Plan, to have commercial property situated where it serves the Island residents and guests in a safe and efficient manner and to the area surrounding the properties subject to the rezoning contains a mix of uses: a motel to the south, a self-storage facility to the west, Christ Lutheran Church and a gas station/convenience store across William Hilton Parkway to the east, and a restaurant and miniature golf business to the north.

Ms. Dixon presented an overhead review of the zoning map and vicinity map. Ms. Dixon presented a basic review of the Findings of Fact and Conclusions of Law. The existing zoning district was established to minimize travel impacts on the existing street system. The OL Zoning District was established to encourage better compatibility in and among the land uses on the Island, and to provide a balance of the land use types within that vicinity.

The staff believes that rezoning these two properties from the OL Zoning District to the CC Zoning District could generate more traffic and could overtax the existing infrastructure. The staff finds there is a need to continue to provide a mix of land uses. The staff does not believe that the OL Zoning District should be decreased when there is already an adequate supply of commercial zoned properties on the Island.

Ms. Dixon stated that both of the parcels are currently conforming to the OL Zoning District. There are areas that are designated for high intense commercial development (such as Pope Avenue/Coligny and the Mathews Drive area.) The following uses will no longer be

permitted on the subject properties if this rezoning is approved: Linear Park and Agriculture. With the exception of the two uses listed above that will no longer be permitted, all other uses that are currently permitted in the OL district, whether it is by right, with conditions or by special exception, will still be permitted on the subject properties if this rezoning is approved.

Ms. Dixon stated that there is a Verizon Wireless business on one of the lots proposed to be rezoned. The other lot proposed to be rezoned is currently undeveloped. The area surrounding the properties subject to the rezoning contains a mix of uses: a motel to the south, a self-storage facility to the west, Christ Lutheran Church and a gas station/convenience store across William Hilton Parkway to the east, and a restaurant and miniature golf business to the north.

The applicant states that the proposed application to rezone the subject properties from OL to the CC zoning district is more in character with the existing commercial uses in the surrounding area. The applicant feels that the requested CC zoning is in conformance with the objectives of the Comprehensive Plan, to have commercial property situated where it serves the Island residents and guests in a safe and efficient manner and to focus future development on infill development. The applicant also believes that by rezoning the properties to allow for retail possibilities, the marketability of the properties will increase. Ms. Dixon presented the Findings of Fact and Conclusions of Law.

The Planning Commission and the staff discussed the issue of conforming uses and the number of nonconforming uses in the area. The Planning Commission and the staff also discussed the entrance to Marina Side Drive (off Wm. Hilton Parkway). For clarification, Ms. Dixon stated there are some uses in the vicinity that are currently non-conforming (i.e. the hotel and self-storage facility), that are not currently permitted in the OL zoning district. This completed the staff's presentation. Following staff's presentation, Chairman Warden requested that the applicant make his presentation.

Mr. Ernest Marchetti presented statements in support of the application. The applicant discussed the zoning of district and stated that there are 15 properties that are currently non-conforming. The applicant expressed concern with the current office vacancy level on the Island. The Planning Commission and the applicant discussed conforming and non-conforming uses. At the completion of the applicant's presentation, Chairman Warden requested comments from the public.

Chester C. Williams, Esq., presented statements regarding the conforming and non-conforming uses in this zoning district. At the completion of public comments, Chairman Warden stated that the public hearing for this application is closed.

Ms. Teri Lewis followed with statements regarding the function of the OL District and the fact that there have been issues with the uses allowed there. The Planning Commission and Ms. Lewis briefly discussed the issue of re-zoning and the current need to address (rewrite) certain sections of the LMO. The Planning Commission briefly discussed the marketability of the zoning district, the density, and traffic in this area. They agreed with the need to rewrite certain sections of the LMO. Chairman Warden stated that she does not believe that traffic will be an issue on William Hilton Parkway (as a result of possibly approving this request for rezoning.) As part of the discussion, Chairman Warden inquired about the ownership and responsibility of Marina Side Drive.

Mr. Darrin Shoemaker presented statements on behalf of the Engineering Department regarding the ownership and responsibility of Marina Side Drive and Yacht Cove. Following final discussion by the Planning Commission on this application, Chairman Warden requested that a motion be made.

Commissioner Lennox made a **motion** to **approve** Zoning Map Amendment ZMA100007, and the applicant's request to change the zoning of the two properties located at # 2 and # 4 Marina Side Drive from the OL (Office Institutional Low Density) Zoning District to the CC (Commercial Center) Zoning District. Commissioner Leary **seconded** the motion and the motion **passed** with a vote of 8-0-0.

**9. NEW BUSINESS**

None

**10. COMMISSION BUSINESS**

None

**11. CHAIRMAN'S REPORT**

None

**12. COMMITTEE REPORTS**

1. LMO Committee – Commissioner Quick, LMO Committee Chairperson, reported that the LMO Committee will meet this evening at 6:00pm to discuss and hear public comments on the proposed LMO amendments to the Outdoor Recreation Water-Oriented Mixed Use District.
2. CIP Committee - Commissioner Lennox, CIP Committee Chairman, reported that the CIP Committee will meet on Monday, March 21<sup>st</sup> at 2:00pm. Commissioner Lennox presented comments regarding the agenda.

**13. STAFF REPORTS**

1. Mr. Darrin Shoemaker presented the Annual Traffic Report to the Planning Commission. The Planning Commission thanked Mr. Shoemaker for his very thorough presentation. Chairman Warden requested comments from the public on the Annual Traffic Report and none were received. Following final comments by the Planning Commission, Chairman Warden requested that a motion on the Planning Commission's acceptance of the Annual Traffic Report be made.

Commissioner Docherty made a **motion** to **accept** the Annual Traffic Report as presented today by the staff. Commissioner Quick **seconded** the motion and the motion **passed** with a vote of 8-0-0.

2. Mrs. Jayme Lopko presented the Quarterly Report to the Planning Commission.
3. Mr. Charles Cousins presented an update of the LMO Rewrite Committee. The first meeting of the LMO Rewrite Committee is scheduled on Friday, April 8, 2011 at 3:00pm in Council Chambers.

4. Ms. Jill Foster invited the Planning Commission to join the staff in Conference Room # 4 immediately following today's meeting for a basic review of the new Application Development Review process.

**14. ADJOURNMENT**

The meeting was adjourned at 4:20p.m.

Submitted By:

Approved By:

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Kathleen Carlin  
Administrative Assistant

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Loretta Warden  
Acting Chairman